



533 RCT/PCT/PTO 21 AUG 2001

PTO/SB/64/PCT (10-00) #2

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT

Docket Number (Optional)

DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

CL060895-PCT

First named inventor: XU, Xun et al
International (PCT) Application No. PCT/US00/28888

U.S. Application No. (unknown)

Filed: 8 November 2000

Title:

PRIMARY NUCLEOTIDE SEQUENCE OF THE SHRIMP WHITE SPOT BACILLIFORM VIRUS (WSBV), DISCOVERY SYSTEMS CONTAINING THIS SEQUENCE AND DETECTION KITS AND ANTIVIRAL TARGETS FOR DETECTION AND CONTROLLING SHRIMP VIRUS OUTBREAK AND SPREAD

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
28 AUG 2001
Legal Staff
International Division

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity-fee \$1240.00 (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of _____ identify type of reply):
A RESPONSE

- ☐ has been filed previously on _____
☒ is enclosed herewith.

12/20/2001 UEDUVIJE 00000206 500970 09914464

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 21, 20001
Date

Robert A. Millman
Signature

Robert A. Millman
Typed/Printed Name

CELERA GENOMICS CORP.
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(240)453-3423

- Enclosures: ☒ Response
☐ Fee Payment
☐ Terminal Disclaimer Form
☒ Charge Deposit Account 50-0970 \$1240.00

Applicant respectfully requests to charge any deficiencies or credit any overpayment to deposit account number 50-0970.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PE CORPORATION (NY) et al.

BOX: PCT

Serial No. PCT/US00/28888

PCT Legal Staff

Filed: 8 November 2000

Atty. Docket: CL000895PCT

For:

PRIMARY NUCLEOTIDE SEQUENCE OF THE SHRIMP WHITE SPOT BACILLIFORM VIRUS (WSBV), DISCOVERY SYSTEMS CONTAINING THIS SEQUENCE AND DETECTION KITS AND ANTIVIRAL TARGETS FOR DETECTION AND CONTROLLING SHRIMP VIRUS OUTBREAK AND SPREAD

**PROPER RESPONSE FOR
PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with 37 CFR 1.137(b) applicants have petitioned for revival due to unintentional abandonment.

Applicants upgraded to a new docket system to ensure proper docketing for all future filings. However, it was discovered that due to pre-programmed computer generated deadlines, the due dates were automatically calculated improperly. Applicants reviewed their manual back-up docket and noted that Chapter I national phase filing was missed in error. The error was noted by the applicants following the July 24, 2001 Chapter I due date therefore missing the Chapter I national phase filing deadline.

Applicants are aware that missing a deadline due to computer generated docketing systems are not a basis for reviving an abandoned application.

Applicants believed that they were enhancing their docketing procedures by obtaining a sophisticated docketing system to assist the USPTO while still relying on a manual back-up.

Applicants submit that the entire delay was unintentional.

Applicants respectfully request the Commissioner or Office to grant the Petition for Revival of the Abandoned Application Unintentionally under 37 CFR 1.137(b).

Applicants respectfully request to charge any deficiencies or credit any overpayment to deposit account number 50-0970.

Respectfully submitted,

CELERA GENOMICS

By: 

Robert A. Millman
Reg. No. 36,217

Date: August 21, 2001

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